

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HAAS OUTDOORS, INC.	§	
Plaintiff,	§	C.A. NO. 1:18-cv-00978-RP
v.	§	[LEAD CASE]
DRYSHOD INTERNATIONAL, LLC, AND JAMES K. DONOHUE	§	JURY TRIAL DEMANDED
Defendants.	§	

DRYSHOD INTERNATIONAL, LLC, AND JAMES K. DONOHUE	§	C.A. NO. 1:18-cv-00596-RP
Plaintiffs,	§	[CONSOLIDATED]
v.	§	JURY TRIAL DEMANDED
HAAS OUTDOORS, INC., TOXEY HAAS and WILLIAM SUGG	§	
Defendants.	§	

JOINT NOTICE OF STIPULATED FACTS FOR TRIAL

Pursuant to Local Rule CV-16(e)(3) and the Court's December 2, 2019 Order (Dkt. #190), Plaintiff Haas Outdoors, Inc. ("Haas Outdoors") and Defendants Dryshod International, LLC ("Dryshod") and James K. Donohue (collectively, "Defendants") submit this joint notice of stipulated facts.

1. The Plaintiff is Haas Outdoors, Inc. ("Haas Outdoors").
2. James and Maureen Donohue are the founders and original owners of the Muck Boot Company ("MBC").

3. Team J Sales & Marketing, Inc. (“Team J”) and Co-Operative Feed Dealers, Inc. (“CFD”) distributed MBC boots during the time the Donohues owned and operated MBC.

4. The Donohues sold MBC to Norcross Safety Products, LLC (“Norcross”), which later sold MBC to Honeywell International Inc. (“Honeywell”).

5. Team J and CFD distributed MBC boots during the time MBC was owned by Norcross and during the time MBC was owned by Honeywell.

6. Honeywell informed Team J and CFD in February 2017 that it would be terminating its distribution contracts with them.

7. In early 2017, two former MBC distributors (Team J and CFD) approached Donohue about designing and producing a line of waterproof boots to compete with MBC and others.

8. In June 2017, Honeywell terminated its distribution agreements with Team J and CFD.

9. Haas Outdoors owns and has used the following marks in interstate commerce:

MARK	REGISTRATION NO.
MOSSY OAK®	1,525,739
MOSSY OAK BRAND CAMO® (and design)	2,227,642
MOSSY OAK®	2,003,245
MOSSY OAK®	4,632,533
MOSSY OAK® (and design)	5,171,334
BREAK UP®	2,109,659
NEW BREAK UP®	2,686,006

BREAK-UP INFINITY®	3,908,228
BREAK-UP COUNTRY®	4,740,743
BREAK-UP COUNTRY® (and design)	4,749,605

10. Haas Outdoors registered its NEW BREAK-UP camouflage pattern with the Copyright Office on December 21, 2001.

Dated: January 21, 2020

HAAS OUTDOORS, INC.

By Its Attorneys,
JONES WALKER LLP

/s/ Andrew S. Harris
ANDREW S. HARRIS
W. WHITAKER RAYNER
Mississippi Bar #4666 (*pro hac vice*)
ANDREW S. HARRIS
Mississippi Bar #104289 (*pro hac vice*)
JONES WALKER LLP
190 East Capitol Street, Suite 800
Jackson, Mississippi 39201
Tel.: (601) 949-4900;
Fax: (601) 949-4804
wrayner@joneswalker.com
aharris@joneswalker.com

KRYSTAL P. SCOTT
Texas Bar # 24056288
JONES WALKER LLP
811 Main St., Suite 2900
Houston, Texas 77002
Tel.: 713-437-1816;
Fax: 713-437-1810
kscott@joneswalker.com

Respectfully submitted,

DRYSHOD INTERNATIONAL, LLC
AND JAMES K. DONOHUE

By Its Attorneys,
K&L GATES LLP

/s/ Darlene F. Ghavimi
Darlene F. Ghavimi
TX Bar No. 24072114
Darlene.Ghavimi@klgates.com
2801 Via Fortuna, Suite 350
Austin, Texas 78746
512.482.6800

Katherine L. Allor (*pro hac vice*)
Melissa M. Haulcomb (*pro hac vice*)
70 West Madison Street, Suite 3300
Chicago, Illinois 60602
Telephone: (312) 372-1121
katy.allor@klgates.com
melissa.haulcomb@klgates.com

CERTIFICATE OF SERVICE

I declare that on January 21, 2020 a copy of this document have been served by email on all counsel of record.

/s/ Darlene F. Ghavimi